

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

JAN 30 2014

THOMAS G BRUTON
CLERK, U.S. DISTRICT COURT

Deidre K. Green

(Name of the plaintiff or plaintiffs)

v.

City of Chicago,
a municipal corporation

(Name of the defendant or defendants)

CIVIL ACTION

1:14-cv-00686

Judge George M. Marovich

Magistrate Judge Sidney I. Schenkier

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Deidre K. Green of the county of
COOK in the state of ILLINOIS.

3. The defendant is City of Chicago, a municipal corporation whose street address
is 121 North La Salle Street,
(city) Chicago (county) COOK (state) ILLINOIS (ZIP) 60602
(Defendant's telephone number) (312) - 745-5000

II The plaintiff sought employment or was employed by the defendant at (street address)
3510 South Michigan Avenue (city) Chicago
(county) COOK (state) IL (ZIP code) 60653

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
(b) ☒ was hired and is still employed by the defendant.
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month) April December, (day) _____, (year) 2008 2010.

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☐ has not ☐ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about (month) _____ (day) _____ (year) _____.

(ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☐ YES. ☐ NO,

but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) March 16, 2009, September 24, 2009 (day) 15 (year) 2010

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) September (day) 19 (year) 2012.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

- (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.
- (b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) November (day) 4 (year) 2013 a copy of which *Notice* is attached to this complaint.
9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:
- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____
- _____
- _____
- _____
- _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

EEOC has determined I was subjected to
sexual harassment, Race discrimination
and retaliated against after reporting
it to the City of Chicago, Office of Compliance.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [*check only those that apply*]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☐ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☐ Direct the defendant to (specify): _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
(h) ☒ Grant such other relief as the Court may find appropriate.

Deidre K. Green

Plaintiff's signature

Deidre K. Green

Plaintiff's name

Plaintiff's street address

1843 South Kedzie, Avenue

City Chicago

State ILLINOIS ZIP 60623

Plaintiff's telephone number

(773) 999-8005

Date: 1/30/2014

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2009-03400

Illinois Department Of Human Rights

and EEOC.

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Deidre K. Green

Home Phone (Incl. Area Code)

Date of Birth

03-06-1967

Street Address

City, State and ZIP Code

1843 S. Kedzie Ave. 1st Fl, Chicago, IL 60623

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CHGO FIRE DEPT

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(312) 745-3705

Street Address

City, State and ZIP Code

10 West 35th Street, 14th Floor, Chicago, IL 60616

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

03-16-2009

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent in or around 1989. My most recent position is Field Payroll Auditor. During my employment I have been subjected to discipline and suspension while non-Blacks are not disciplined or suspended.

I believe I was discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED EEOC

MAR 16 2009

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

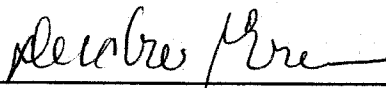
I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Mar 16, 2009

Date



Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

440-2009-07053

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Deidre K. Green

Home Phone (Incl. Area Code)

(773) 456-9905

Date of Birth

03-06-1967

Street Address

City, State and ZIP Code

1843 South Kedzie, Chicago, IL 60623

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CITY OF CHICAGO FIRE DEPARTMENT

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(312) 745-3705

Street Address

City, State and ZIP Code

10 West 35th Street, Chicago, IL 60616

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

09-24-2009

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent in or around 1989. My current position is Field Payroll Auditor. On or about March 16, 2009, I filed an EEOC complaint (EEOC No. 440-2009-03400) against Respondent alleging race discrimination. Subsequently, I have been subjected to continuous harassment, denied my vacation time, and threatened that my upcoming merit increase raise will be withheld from me.

I believe I am being retaliated against for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED EEOC

OCT 21 2009

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

9-25-09 Deidre Green

Date

Charging Party Signature

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		AGENCY <input type="checkbox"/> IDHR <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER 440-2010-02912
Illinois Department of Human Rights and EEOC			
NAME (indicate Mr. Ms. Mrs.) MS. DEIDRE GREEN		HOME TELEPHONE (include area code) (773) 456-9905	
STREET ADDRESS 1843 S. KEDZIE		CITY, STATE AND ZIP CODE CHICAGO, ILLINOIS 60623	
DATE OF BIRTH 03-06-1967		NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)	
NAME CITY OF CHICAGO FIRE DEPARTMENT		NUMBER OF EMPLOYEES, MEMBERS 15+500	
TELEPHONE (Include area code) 312.745.3705		STREET ADDRESS 10 W. 35 TH STREET	
CITY, STATE AND ZIP CODE CHICAGO, IL. 60616		COUNTY COOK	
NAME		TELEPHONE (include area code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
COUNTY		CAUSE OF DISCRIMINATION BASED ON: SEXUAL HARASSMENT and RETALIATION	
DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) 07 / 08 /		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (if additional space is needed attach extra sheets) SEE ATTACHED PAGES			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME ON THIS	
NOTARY SIGNATURE		MONTH DATE-YEAR	
NOTARY SEAL		SIGNATURE OF COMPLAINANT <i>x Deidre Green</i>	
DATE 3 15 10		I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison Street, Suite 2000
Chicago, IL 60661
Intake Information Group: (800) 669-4000
Intake Information Group: (800) 669-6820
Chicago Direct Dial: (312) 869-8000
Chicago TTY: (312) 869-8001
Administration Fax: (312) 869-8077
Enforcement/File Disclosure Fax: (312) 869-8220
Federal Sector Fax: (312) 869-8125
Legal Fax: (312) 869-8124
Mediation Fax: (312) 869-8060
Website: www.eeoc.gov

EEOC Charge Numbers: 440-2009-03400, 440-2009-07053 and 440-2010-02912

Ms. Deidre Green
1843 South Kedzie Avenue, 1st Flr.
Chicago, IL 60623

Charging Party

v.

City of Chicago, Chicago Fire Department
Office of the Fire Commissioner
10 West 35th Street, 14th Floor
Chicago, IL 60616

Respondent

DETERMINATION

Under the authority vested in me by the Procedural Regulations of the Equal Employment Opportunity Commission (EEOC), I issue the following determination on the merits of the subject charges filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

The Respondent is an employer within the meaning of Title VII, and all requirements for coverage have been met.

Charging Party alleges that she was discriminated against because of her race, Black, in that she was disciplined and suspended, and that she was discriminated against because of her sex, female, in that she was subjected to sexual harassment, in violation of Title VII. Charging Party also alleges that she was retaliated against for filing a charge of race discrimination and for complaining of and opposing sexual harassment in that she was subjected to continued harassment, intimidation, threats, and adverse terms and conditions of employment, including but not limited to, vacation being denied, a merit increase being delayed, being disciplined, having her seniority reduced, being a target for layoff, and being forced to take medical leave, in violation of Title VII.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against the Charging Party because of her sex, female, by subjecting her to sexual harassment, in violation of Title VII.

CHARGE OF DISCRIMINATION – Deidre Green

I. A. ISSUE/BASIS

1. Quid pro quo sexual harassment and impermissible retaliation following sexual harassment

B. PRIMA FACIE ALLEGATIONS

1. I began my employment with Respondent in or around 1989.
2. My current position is Field Payroll Auditor.
3. Beginning in July of 2008, Fire Commissioner John Brooks began sexually harassing me both in and out of the office, including but not limited to making suggestive telephone calls, inquiring into my personal relationships, indicating that he desired me in a sexual manner and wanting to see my breasts. I found the conduct offensive and rejected the sexual suggestions and advances of Commissioner Brooks, my ultimate supervisor, and I complained to him that I felt his actions were inappropriate.
4. Because of my complaints to Brooks and rejection of Brooks' advances, Brooks began a pattern of behavior meant to intimidate, threaten and retaliate against me, including but not limited to telling me that he had saved my job in October of 2008 but that he could fire me and that I would have to sue the fire department to get my job back.
5. In retaliation for my complaints to Brooks and rejection of Brooks' sexual suggestions and advances, respondent adversely affected and continues to affect the terms and conditions of my employment, in a manner which includes but is not limited to the respondent denying my vacation time, threatening that my merit increase would be withheld, delaying payment of said increase, unjustifiable discipline, reducing my seniority due to said discipline, denying legitimate vacation requests, unjustifiably subjecting me to disparate and harassing work conditions while other similarly situated employees are not subjected to said conditions, targeting me for layoff as of June 17, 2009 and various other acts of retaliation resulting in my being forced to take a medical leave in early 2010.
6. My complaints of the aforementioned sexual harassment and retaliation to the City of Chicago Office of Compliance, upon information and belief, were quashed by Compliance Executive Director, Anthony Boswell.
7. Said sexual harassment and retaliatory misconduct is in violation of Title VII of the Civil Rights Act of 1964, as amended.

Determination

EEOC Charge Numbers: 440-2009-03400, 440-2009-07053, and 440-2010-02912

Page 2

I have also determined that Respondent retaliated against the Charging Party for filing a charge of race discrimination and for complaining of and opposing sexual harassment, by subjecting her to continued harassment, intimidation, threats, and adverse terms and conditions of employment, including but not limited to, denying her a merit increase, disciplining her, reducing her seniority targeting her for layoff, and forcing her to take medical leave, in violation of Title VII.

I have further determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against a class of individuals, including the Charging Party, because of their race, Black, and in retaliation for engaging in protected activity by subjecting them to discipline, suspension, and/or discharge, in violation of Title VII.

This determination is final. When the Commission finds that a violation has occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 C.F.R. Part 1601.26).

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent not to engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent in 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On Behalf of the Commission:

9/19/12
Date

John P. Rowe
John P. Rowe
District Director



U.S. Department of Justice

Civil Rights Division

JS:KDW:KLF
DJ 170-23-0

Employment Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530
www.usdoj.gov/crt/emp

NOV 04 2013

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL 7010 0290 0000 2012 4806
RETURN RECEIPT REQUESTED

Ms. Deidre K. Green
c/o Allison Chaplick, Esquire
Law Offices of Malkinson & Halpern
208 S. LaSalle St., Ste. 1750
Chicago, IL 60604

Re: Deidre K. Green v. City of Chicago, Fire Department, EEOC
Charge Nos. 440-2009-03400, 440-2009-07053 & 440-2010-02912

Dear Ms. Green:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in this matter was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

We are returning the files in this matter to EEOC's Chicago District Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative file, please feel free to address your inquiry to: John P. Rowe, Director, EEOC, 500 W. Madison St., Ste. 2000, Chicago, IL 60661.

Sincerely,

Jocelyn Samuels
Acting Assistant Attorney General
Civil Rights Division

By:

Karen D. Woodard
Deputy Chief
Employment Litigation Section

cc: ~~Deidre K. Green~~
Cicely J. Porter-Adams, Chief Labor Negotiator
City of Chicago, Fire Department
EEOC, Chicago District Office